

Exhibit D



**THE CITY OF NEW YORK**  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Michael R. Bloomberg  
Mayor

Thomas R. Frieden, M.D., M.P.H.  
Commissioner

nyc.gov/health

May 29, 2007

Rick Colon, Vice President, General Manager  
New York Metro Region  
McDonald's USA LLC  
105 Eisenhower Parkway, 3<sup>rd</sup> Floor  
Roseland, NJ 07068

Dear Mr. Colon:

The Department of Health and Mental Hygiene ("DOHMH") has received McDonald's request for non-binding feedback on its concepts for alternative calorie displays. Thank you for sending complete descriptions of the alternate design concepts.

As per the New York City Health Code, an alternative design may only be approved if it makes calorie information available at the point of purchase and if it displays calorie information at least as prominently as calorie information would otherwise be displayed using the format proscribed by Section 81.50(b)(1).

The Department has determined that the counter mats submitted by McDonald's do not meet the above standards. However, the proposed calorie information icons are an interesting innovation, and were they to be provided directly on menu boards, the design could potentially be approved. The stanchion design proposed for drive-through settings could also be approved, as long as calorie information is visible along the drive-through line before customers place orders, and the font size for calorie values is at least as large as the item name.

We welcome the opportunity to review further details of your designs with you.

Thank you,

A handwritten signature in black ink, appearing to read "Elliott S. Marcus".

Elliott S. Marcus  
Associate Commissioner

cc: T. Merrill  
J. Leighton  
M. Bassett

L. Silver  
R. Edman  
C. Manning

A. Caffarelli  
C. Young